IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE FIRST DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

…

Juni Bahaddur singh … Petitioner

Versus

The Commisioner, Warangal Municipal Corporation,

Warangal district & Anr. … Respondents

Counsel for the Petitioner : Mr. A.RAVINDER (2036)

Counsel for Respondents : Mr.V.DURGA NAGESWARA RAO

O R D E R :

Questioning the impugned action of the respondents in trying to demolish the tin shed house situate at Opposite Pochamma temple, Kakatiya Colony, Hanamkonda, Warangal district, without following due procedure established under law, the

petitioner filed the present writ petition.

The petitioner submits that he purchased an open plot in an extent of 69 sq.yards out of survey nos. 5 and 10 situate at Hanamkonda within Warangal Municipal Corporation limits from one Mr.Durga Singh and others through their GPA holder, Mr.Devender Singh under registered Doc.No.2096 dated 10-3-2004. Thereafter, he constructed two rooms covered with tin sheds and obtained power connection under SC.No.58776 and residing in the said premises.

While things stood thus, the subordinates of the respondents visited his house and directed him to vacate the premises on the ground that the petitioner constructed the tin sheds house without obtaining prior permission from the Municipal Corporation.

The petitioner submits that before making construction he contacted the Municipal authorities for obtaining permission but he was told that as per GO.Ms.No.423, MAUD dated 31-7-1998, no prior sanction of the building is necessary for construction of individual residential building in an extent of 100 sq.mts and height restricted to 10 mts. In view of the assurance of the respondent-authorities, the petitioner constructed the same. Now the question of threatening the petitioner that he did not obtain permission from the Municipal Corporation is nothing but to harass him. Therefore, the question of filing application seeking permission does not arise.

The petitioner submits that after completion of construction, he filed an application

for allotment of Municipal number and assessment to be made but the respondent authorities are refusing to receive and consider his application. Therefore, he sent the same to the respondent-authorities by post.

The petitioner further submits that he received a notice from Asst.Engineer, Electricity Department stating that as to why his power supply shall not be disconnected on the ground that the respondent authorities have requested the Electricity Department to disconnect power supply, as the construction which the petitioner had made is an unauthorized construction. Pursuant to the said notice, on 28-7-2005 the petitioner submitted his reply to the Asst.Engineer, Electricity Department and the same is pending consideration.

Now the petitioner apprehends that the respondents may at any moment demolish his tin sheds house without following the procedure established under law.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondents.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition, directing the respondents 1 and 2 not to demolish the petitioner's tin sheds house situate at opposite Pochamma temple, Kakatiya colony, Hanamkonda, Warangal district, without following due process of law. However, this order does not preclude the respondents from taking action in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 01st, 2005. ----------

I S L. ELIPE DHARMA RAO, J.